HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A. No.570 OF 2007

Between:

Y.Rami Reddy

. . .Appellant

AND

Smt. T.Prabhavathi and others

. . .Respondents

:: JUDGMENT ::

Counsel for the appellant : Smt. K.Malleswari

Counsel for respondent Nos.2 to 4 : Government Pleader for Prohibition and Excise

17th July, 2007

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 29.03.2007 passed by the learned Single Judge whereby she allowed the writ petition filed by respondent No.1 and quashed the relocation of Shop No.4, Battalapally Village of Election Ward No.21, Dharmavaram Municipality, Anantapur District for the purpose of grant of licence under Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules, 2005 (for short 'the Rules').

We have heard Smt.K.Malleswari and perused the record.

In Writ Appeal No.271 of 2007, decided on 01.05.2007, a Division Bench of this Court held that District Collector does not have the power, jurisdiction or authority to relocate the notified shop only on the ground that no bid has been given for the same in the auction held under the Rules and the only course open to the concerned authority is to grant permission to Andhra Pradesh Beverages Corporation in terms of Rule 21 of the Rules to sell the liquor at such location.

In view of the above, the appeal is dismissed with the direction that the detailed reasons recorded in judgment dated 01.05.2007 in Writ Appeal No.271 of 2007 shall be read as part of this order.

As a sequel to dismissal of the main appeal, WAMP No.1116 of 2007 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

17th July, 2007

C.V.NAGARJUNA REDDY, J

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